

Meeting of 2000-6-27 Regular Meeting

MINUTES  
LAWTON CITY COUNCIL REGULAR MEETING  
JUNE 27, 2000 - 6:00 P.M.  
WAYNE GILLEY CITY HALL COUNCIL CHAMBERS

Mayor Cecil E. Powell,      Also Present:  
Presiding      Bill Baker, City Manager  
                John Vincent, City Attorney  
                Brenda Smith, City Clerk  
                Lt. Col. Jeff Ewing, Fort Sill Liaison

The meeting was called to order at 6:12 p.m. by Mayor Powell. Notice of meeting and agenda were posted on the City Hall notice board as required by State Law.

ROLL CALL

PRESENT:    G. Wayne Smith, Ward One  
                James H. Hanna, Ward Two  
                Glenn Devine, Ward Three  
                Robert Shanklin, Ward Five  
                Barbara Moeller, Ward Six  
                Stanley Haywood, Ward Seven  
                Michael Baxter, Ward Eight

ABSENT:    John Purcell, Ward Four

PRESENTATION OF PLAQUE TO LTC JEFF EWING AND APPROVAL OF NOMINATION OF LTC TONY PUCKETT TO BE FORT SILL'S REPRESENTATIVE ON THE CITY COUNCIL

Mayor Powell presented a plaque of appreciation to LTC Ewing for his service with the City of Lawton and being the first person to act in the capacity of liaison between a military base and a municipal government by sitting with the City Council. He said the input has been greatly appreciated and that LTC Ewing has been an asset to both Lawton and Fort Sill.

LTC Ewing said it has been a distinct privilege and a real honor, and he thanked the Mayor and Council for their time. He said he had learned a great deal and appreciated the opportunity to be able to share the work done at Fort Sill toward the betterment of the community. LTC Ewing said he would not forget Fort Sill and that he appreciated this very much.

Mayor Powell said General Stricklin has nominated LTC Tony Puckett to fill the seat of the departing LTC Ewing.

MOVED by Smith, SECOND by Hanna, to accept the nomination of LTC Puckett. AYE: Moeller, Haywood, Baxter, Smith, Hanna, Devine, Shanklin. NAY: None. MOTION CARRIED.

Mayor Powell presented a proclamation for Parks & Recreation Month to Ester Moreno, Parks & Recreation Department. Moreno expressed appreciation for the proclamation and encouraged purchase of tee shirts to support the State parks & recreation organization.

AUDIENCE PARTICIPATION:

Prof. Candido Marty said he had submitted a letter and pictures to the Mayor and Council and requested assistance in having a problem property brought to acceptable living standards so as to not distract from the neighbors or cause health hazards. Councilmember Moeller and City Manager Baker will visit the site. Marty invited the entire Council to also visit the site and take needed action.

Clarence Williams, 1817 Jefferson, spoke about his brother's property and Mayor Powell asked that Mr. Williams visit with Dan Tucker in this regard.

Raymond McCallister spoke about the dangers of fireworks during the upcoming July 4th Holiday and encouraged parents to not allow children to be endangered in this manner.

The following comments are inserted verbatim:

"My name is Vera Boyd and I have a letter if I can bring it up to you, Mr. Mayor, for your records, Vera Boyd, Post Office Box 3482, Lawton, Oklahoma.

Mayor: Thank you ma'am.

Boyd: And I'll read it as stated, I, Vera Boyd, as a resident of the City of Lawton on this date Tuesday, June 27th, 2000, am requesting that the City Council and the City of Lawton consider appointing or starting a cable commission. This cable commission would review complaints against Lawton Cablevision and then forward their findings or recommendations to the City Council. I feel that a cable commission is needed because there is no one in the City that handles cable complaints to date, especially when citizens have vital complaints pertaining to Section 7, Rights of Individuals, Paragraph A, Subscriber Practices. Franchisee shall not deny service, deny access or otherwise discriminate against subscribers, programmers or residents of the City of Lawton on the basis of race, color, religion, national origin, sex or age.

Another major issue that happened to me on Monday, June 26th, 2000, is when Lawton Cablevision, Inc. Vice President William Drewry had property that belonged to me, their customer, Vera Boyd of Top Cat TV Productions, and he refused to give me my video tapes when I went in there on my regular scheduled time to pick these video tapes up. I saw that they were on his desk and I asked him to give them to me. He refused to do so in a loud tone and of course, I could have went and picked them up because they were mine. I contained myself and kept asking him to give me the video tapes. He did not and he refused in a harassing voice causing me to have an anxiety attack. I told him, I said I have a medical condition, I have an appointment to see my doctor at that time. He said you could either come back tomorrow and pick them up or wait until after 5:00 to pick them up and I said no, I didn't want to do that because at 5:00 it would only be me there and his employee, so to go and continue, I asked for medical assistance as I was having my anxiety attack Bill Drewry and his assistant, Micah, I asked them to call an ambulance, police or medical assistance. His employee, Micah, refused. When another one of Bill Drewry's employees offered to get me assistance, she said, she told them put the phone down, do not get in this, stay out of it. At that time fortunately there was a customer there in the building; if it had not been for that customer I could have died there but they did assist me and get me, then once that customer came to my assistance they gave me my video tapes but I feel that if it takes that just to get proper that I readily give to them and pay for that is mine, that is wrong. That's my major complaint.

The other one, a cable commission will also eliminate the burden of people having to come before the City Council and writing letters to the editor and getting no response. In conclusion, please verify exactly what part of the franchise agreement between Lawton Cablevision and the City of Lawton that the City Council handles because it's not unclear, it's unclear at this date. Sincerely, Vera Boyd.

Mayor: OK. Thank you ma'am. (end verbatim portion)

#### BUSINESS ITEMS:

1. Receive a brief presentation by Parks and Recreation on the current Lawton/Fort Sill In-Line Hockey Program and the possibilities of its significant expansion. Exhibits: None.

Gary Salva, Parks & Recreation Director, said this has evolved to include recreational skating and skateboarding, and no decision is requested at this time. A brief video was shown of the current in-line hockey facilities at Fort Sill and the youth participating. The hockey rink was made with volunteer assistance and the program is administered by Fort Sill, although Lawton assists with registration. The rink is three years old and receives quite a bit of wear; a tennis court was converted to the hockey rink. It is a youth program although there is potential for adult play; in-line hockey is played in both spring and fall.

Salva said the parkway in Elmer Thomas Park is being used by bicyclists, walkers, joggers, and a large number of in-line skaters. The idea being shared tonight is viewed as an opportunity to provide better facilities for in-line hockey, in-line skating and skateboarding. Video was shown of skateboarding in Lawton, and places to practice the sport are limited. The opportunity may be available to use a hangar at Fort Sill in a coop relationship for the expansion of in-line hockey, recreational in-line skating and possibly for the construction of a skateboard park; the hangar is not being used and could be dedicated for this purpose, which would allow these sports to take place almost 365 days a year.

Kim Shahan, Assistant Parks & Recreation Director, said the program started three years ago and has doubled in size each year to the current level of 125 youth. There is potential to expand to the adult level. A student signs up to participate and gets placed on teams so it is like a draft system where the team competition is put together based on the skill of each athlete. It is a co-ed program where boys and girls both participate; it is a tremendous sport that is growing on a national level and the local program has enjoyed exposure on a national level.

LTC Jeff Ewing said the in-line hockey association began as a grass roots organization three years ago and it was a coop between then Commanding General Baxter and Mayor Powell with a formalized agreement. It is a product of USA Hockey and a copy of the national magazine was provided showing Fort Sill-Lawton Hockey Teams in the center of the issue with a four-page spread. He said the magazine has pictures of children from downtown Lawton as well as Fort Sill; it is an equal mix of about 50-50. The adults shown are also the coaches and they are from Lawton and Fort Sill. The program has taken place for almost three years and there have been no injuries in play either at the adult or children's level; it is a developmental league but there is the opportunity to use the hangar for play 365 days a year. Currently seasons are currently curtailed due to summer's heat and winter's cold, and aside from the physical development and the opportunity for physical exercise and training for kids, the hangar opportunity should be of interest.

Randy Cohn, Fort Sill Recreation Services Supervisor, said many times we have to join together to provide new opportunities for our youth. Cohn said LTC Ewing asked him to do something about the growing program, the rink is basically falling apart even though staff have done a fine job of trying to keep it together, but another rink is needed. Cohn said he looked over the installation for possibilities and invited Salva to look, and the best possibility was the hangar at Building 4920 as shown on the video. This facility is in non-use and Cohn met with the Command at Fort Sill and the other staff directorates and they all agreed it would be a great opportunity to put the program into use and provide an opportunity for a joint venture. Cohn said you have 100% cooperation of DCA and Fort Sill in trying to bring this program a step better for the youth in Lawton and Fort Sill.

Salva asked that Council direct staff to continue the pursuit of this concept and to bring back additional information. Mayor Powell thanked each presenter for the information provided, and recognized former Commander General Baxter as being present tonight and expressed appreciation for his bringing this idea forward earlier. Several Councilmembers expressed the desire that staff continue to work on this program and the City Manager said it would be pursued.

2. Consider approving the Lawton/Fort Sill Chamber of Commerce and Industry 2000-2001 Hotel/Motel Tax budget. Exhibits: Hotel/Motel Proposed 2000-2001 Budget.

Dr. Dick Boatsman, Chairman of the Board of Directors of the Lawton Chamber of Commerce and Industry and the Lawton Industrial Foundation, said a publication was distributed showing activities for the past 12 months. He said most members are veterans with this type of report, although at least three members have been seated since the interim report was given in February. The reason for the report is that the Chamber is a complimentary organization with the Council and they share many common goals toward betterment of our community. Boatsman said about 70% of the audience on the south side of the aisle are associated with the Chamber as officers, board of directors, staff, and interested citizens. He extended to the Council the opportunity to have an open door policy and relationship with the Chamber; we are complimentary organizations and can dovetail many of our activities. He encouraged Council to come to the Chamber if there are thoughts, ideas or concerns about anything the Chamber could do and is not doing, or is doing and should not be doing, and the Chamber will be responsive in a positive way and that he would try to give feedback from the Chamber primarily through the Mayor.

Marilyn Feaver, President of the Lawton-Fort Sill Chamber of Commerce and Industry, presented the annual report relating to the use of hotel/motel tax funds and presented a formal request for use of hotel/motel tax funds for next year's economic development and tourism activities. She thanked the Council for allowing them the use of the funds and said that Scott Hatch, their accountant, is here to answer questions. Feaver said a briefing was given in February and a few of the new City Council members received briefings a few days ago. She said a written report of accomplishments was distributed in a binder. Tab 1 is the executive summary detailing the activities; Tab 2 is the budget request; Tab 3 is the tourism activities and level of support that was provided by the Chamber for those activities; Tab 4 is the 2000-2001 program of work approved by the Chamber board yesterday; Tab 5 has advertising and promotions the Council has not previously seen; Tab 6 is a copy of last year's audit.

Feaver said the Chamber staff and board are cognizant of the fact that the funds are to be used for tourism and economic development; they are not frivolous with these funds and their organization is very much aware that when they couple hotel/motel tax funds with Chamber resources, to include staff and financial resources, the potential for economic development and tourism funds are maximized for the benefit of the community. She said their organization is all about creating jobs and enhancing the quality of life for the citizens of Lawton-Fort Sill and they carry out this mission in a variety of ways, to include active recruitment of new industry, assisting established industry, and tourism development and enhancement.

Feaver said an announcement is planned for 10 a.m. on July 17 for 350 new jobs. She encouraged Council to watch their mail for an invitation to the ceremony. She said members of the economic development team are traveling out of state tomorrow to visit a prospective industry and they may be able to have another announcement for 75 more jobs. Feaver said things are going well in this regard and it has been a team effort all the way; the Chamber works closely with City staff, County Commissioners, CCIDA, Great Plains Technology Center, Cameron University and a few others who make these announcements possible. She said they are committed to seeing per capita income increase and work to recruit higher paying jobs. In December, the Chamber contracted with the University of

Oklahoma School of Business to conduct a labor survey and it showed more people than ever are working, unemployment is low at 3.4%, but a large number of those working are under-employed, meaning they have skills or training to work at a better paying job, and they are interested in jobs that pay between \$8 and \$10 per hour. The 350 jobs being announced in a couple of weeks will help fill that need. Feaver said the Chamber focuses on existing industry; Fred Blaylock spends the majority of his time assisting established industry and specific examples of this assistance are provided in the report.

Feaver said tourism continues to grow and a list of events Lawton has hosted since July 1999 is included in the binder; total economic impact of these events is over \$8 million. The Chamber has supported each of these events by either recruitment, working with recruiters, advertising, financial support or in-kind support through staff support and/or mailings, and one of the tabs lists the kind of support provided for each event. Tourism is economic development in its purest form and there is particular interest in events that increase hotel/motel tax revenue. The Chamber works closely with hotel management, several local hotels are represented on Chamber committees and one is a permanent member of the board of directors. The hotel/motel representative, Jamie Hall of Springhill Suites, is present tonight. Feaver said they spend significant dollars on softball tournament recruitment. Lawton hosted the largest tournament ever held by the Amateur Softball Association.

Feaver said they market Lawton as a tourism and visitor destination through tourism publications, travel shows, advertising and collaborative recruitment with other organizations. The staff is trained in tourism development and has an excellent relationship with the Oklahoma Tourism Department; we also manage the Great Plains Tourism Association which is responsible for regional tourism for Southwest Oklahoma. The 1998 study by the Oklahoma Tourism Department ranks Lawton third in the State as a travel destination; Comanche County as a whole ranks fourth and we are nearing \$80 million in income from domestic travelers. Feaver requested an increase in the allocation this year and stated the last page at Tab 2 shows the list of projects identified for the additional expense. Those projects are conducting a significant marketing campaign for the Lawton-Fort Sill Regional Airport, a state-wide billboard campaign and additional advertising for events, attractions and facilities.

Devine said the last page shows event recruitment for the Coliseum for \$15,000 and asked if that is earmarked especially for them. Feaver said yes. Devine asked if that was what they had discussed earlier and Feaver said yes.

Moeller said she had questions on the budget; the salaries and benefits being charged are \$98,000, or almost a fourth of the hotel/motel tax. She asked how many positions that covers. Feaver said two full time people, that is the person who does tourism, the assistant for tourism, and the part time person, which is Fred Blaylock in the established business and industry support. Feaver said none of her salary, even though she spends probably 90% of her time working in economic development, is paid by hotel/motel tax.

Moeller said she and another Council member received the briefing that was mentioned and it got her attention when the accountant got very emotionally involved and asked for "your" money, in that this is the taxpayers' money she would not classify it as the Chamber's money. She said a statement was made that we do not give you all of your money, we keep it, put it in the general fund and do not know what it is being used for and so on and so forth. Moeller asked that they expand on that. Feaver said since Moeller was speaking of something that was reported as something Scott Hatch had said, she would let Hatch respond.

Scott Hatch said he did not recall specifically stating that and he certainly would not suggest that the money is the Chamber's money, certainly it is the community's money, it is assessed as part of the tax just as sales tax and other taxes are assessed. The intent was not to suggest that the hotel/motel tax is the Chamber's money; it is to be spent at the discretion of the City Council. Hatch said he could only say that was not the intent of the comments that were made and he apologized if they were taken that way.

Moeller said she thought telling her "you don't give me all of my money" is a very definite fact, "you all don't give us all of our money, my money". Hatch said all he could say was he did not recall saying that. Hatch said he did recall stating that all the hotel/motel funds were not given to the Chamber. Moeller said in the last two years that is probably true but in 1996, \$300,000 was allocated, \$303,000 was actually taken in and paid to the Chamber, but the Chamber's records only account for \$300,000. Moeller said the last two years that happened; 1996, 1997 and 1998 the Chamber was given exactly what was brought in, which was above the allocation, and yet that was not reported back from the Chamber on the amount of money. Hatch said all the money received from the City was reported correctly on the financial statements he prepared; if there is a misunderstanding about the representation on the audit itself, which he did not do, then he could address it but it should probably be asked of the auditor. Moeller said the auditor comes after Hatch is through with his bookkeeping, correct; Hatch responded that was correct.

Moeller said for three years the Chamber was given more than was allocated but according to the records turned in to the City from the Chamber, the City had records of giving the Chamber all of it, but the records the Chamber gave back to the City did not reflect everything the City gave the Chamber, but only the allocated money so there is a discrepancy there. Hatch said he could only say he did not believe that to be true. Moeller said she had the facts and figures and they came from Hatch's report.

Moeller said on the receipts it shows income, then revenue and expenses paid, and there is always a deficit in the last four years. She asked if Hatch could tell her what happened to that money. Hatch asked if she could repeat the question. Moeller said in the last year, for instance, \$320,000 is shown as a revenue and the amount spent was \$272,310. Hatch said that report is not prepared by his office, that is the audited financial statement prepared by Robert Turner. Hatch said as he tried to explain during the meeting last week, audited financial statements are required to be prepared in accordance with standards established by the AICPA and standards that govern how CPA's have to report. He said those standards separate the costs into two major categories, one is program services and one is general and administrative expenses. Hatch said direct program expenses is the \$272,000 number; general and administrative, which is also a line item on that same statement, lumps all general administrative into one number that includes general administrative associated with hotel/motel, tourism and economic development, as well as all other Chamber general administrative expenses. Moeller said when you are handling the taxpayers' money and the City's money, should you not report exactly what that money went to. Hatch said he does. Moeller said we have not found any reports, no reports are turned in to the City that reflect what he is talking about. Hatch said the monthly financial statements they prepare, as well as the requests for funds they give to the City on a monthly basis, will reflect that. Moeller said it does not.

Moeller said the other thing Hatch said in the meeting was that the Chamber has to spend the money then ask the City for reimbursement, and that is not the way it is set up either. Hatch said prior to this year it has been set up that way; the last year it was set up differently, and he could not speak for City staff, but last year it was done in such a way that they presented an annual budget to the Council which stated how much they anticipated spending each month. Hatch said that is what is given to them now. Moeller said the reports turned in by the Chamber have not changed in the last four years; they are the same thing and several of them are missing and could not be found. Hatch said he keeps records of all of those reports. Moeller said Hatch had been asked for those. Hatch asked if he had been asked and Moeller said the Chamber was asked for all of those reports to be turned over to the Finance Director; some were and some were not. Hatch said he would apologize and that if he had known they were requested, he would have done it that second and that they try to be very responsive to those types of requests, and if they were not, he would apologize and would provide assurance that he did not know of the request.

Moeller said some of the other things that bothered her when she read this, the hotel/motel tax was started for economic development and tourism; at the time it started the Chamber was allowed to administer it as an agent of the City. It was to be spent on tourism and economic development and two salaries only; the Chamber was to provide stationery, postage, office space, and now according to this budget, the ones she had seen, office space, rent, even a life insurance policy has been charged against the hotel/motel tax. Hatch said anything charged against the hotel/motel tax is legitimately associated with economic development and tourism, and throughout the years he has been involved in this, Council has directed them to spend the money and that changes just like everything else does. Hatch said if there are concerns about certain things being charged, the Board and the Executive Committee at the Chamber would do whatever Council chooses to tell them to do in that regard. Hatch said he did not know how to respond to that other than to say that if there are concerns in those areas, they should be brought to the Chamber and worked out. He said there are many economic development and tourism related expenditures that the Chamber incurs and pays for that are not coming out of hotel/motel funds, and that is also important.

Moeller said when you are handling taxpayer money and City money, it needs to be accounted for, every bit of it. Hatch said it is. Moeller said not according to the reports, it is not, and also by the agreement, the Chamber is an agent of the City, which means it is working basically under, we are your principals, we are responsible to the people of Lawton, and according to the agreement, you are not supposed to be charging rent to hotel/motel tax. Moeller said she understood what Hatch was saying with regard to accounting practices but that he needed to read the agreement, and that she seriously doubted how many of the board members had read that agreement. Moeller said you are also under a law of agency, which means you are an agent of the City, but when you turn that around and say "you don't giving me all my money", that bothered her, and Hatch did say it and two Councilmembers heard him. She said she thought there was a better way to do this, and in fact, she knew there was.

Shanklin asked where this is leading. Mayor Powell asked if Hatch wanted to respond in some manner. Hatch said all he could say was he could assure Ms. Moeller that his office, and that she kept saying him, number one, he was contracted by the Chamber to perform these services. Moeller said the only reason she was saying Hatch was because the words came from his mouth. Hatch said he did not recall that, he did not recall saying "give me my money".

Haywood asked if he could make a motion and Mayor Powell said yes.

MOVED by Haywood, SECOND by Smith, to approve the fiscal year 2000-2001 Lawton-Fort Sill Chamber of Commerce hotel/motel tax budget.

Mayor Powell said we appreciate the work that the Chamber has done, and the open door policy they have. He said since he had been here, Mr. Baker, himself and Council members have attended meeting after meeting after

meeting at the request and invitation of the Chamber to come and be informed, so the governing body is informed of what has happened, and he felt the working relationship had been simply fantastic, and that he looked forward to that happening in the years to come.

Baker said he did a memorandum recently showing this tax expires in April 2001, and a public vote would be required to extend it, if that is what the Council decides to do. He said if the Council approves the budget as submitted, he would ask that it be limited to the amount collected because he did not think we could presume that the electorate would extend the tax. Baker said if Council approves the budget, it should contain that caveat in case the electorate does not approve the extension.

Haywood asked that the City Manager's comments be included in the motion and Smith, as second to the motion, agreed to that request.

VOTE ON MOTION: AYE: Baxter, Smith, Hanna, Devine, Shanklin, Haywood. NAY: Moeller. MOTION CARRIED.

3. Consider authorizing Mayor Powell to send a request to the Oklahoma Department of Transportation for a project to install traffic signals at the intersection of SH-7 and SE Flowermound Road. Exhibits: None.

Shanklin said Flowermound was shut down when the last traffic count was taken and this is to request that another one be taken.

MOVED by Shanklin, SECOND by Haywood, to authorize the Mayor to make the request to start the process again.

Mayor Powell asked if you have the traffic count after the request or prior to the request. Shanklin said before they will do the signal, they would do another traffic count, as he read the item. Baker said this would authorize the Mayor to sign a request to ODOT so that commission can consider it and the commission may or may not do it, but this is a formality that is required before it will be considered.

VOTE ON MOTION: AYE: Hanna, Devine, Shanklin, Moeller, Haywood, Baxter. NAY: None. OUT: Smith. MOTION CARRIED.

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL REGULAR MEETING OF JUNE 13, 2000.

MOVED by Baxter, SECOND by Devine, for approval of the minutes. AYE: Haywood, Baxter, Hanna, Devine, Shanklin, Moeller. NAY: None. OUT: Smith. MOTION CARRIED.

4. Consider adopting an ordinance repealing Section 20-106 and Section 20-107, Article 1, Chapter 20, Lawton City Code, 1995; and creating Section 23-104, Section 23-105, and Section 23-106, Article 1, Chapter 23, Lawton City Code, 1995, relating to Vehicles and Traffic, prohibiting the placement of dangerous objects in the street, the obstruction of streets or sidewalks by crowd and the placement of athletic devices or similar equipment in the street right-of-ways; providing for an effective date. Exhibits: Ordinance 00-18.

Vincent said several requests had been received regarding the issue of children and young adults playing different types of athletic activities in the streets, using portable basketball goals and some soccer goals. He said a couple of code sections in Chapter 20 appeared to apply but it was felt that the proper chapter for the regulation would be with Vehicles and Traffic in Chapter 23 since this has to do with the use of the streets, so the applicable sections in Chapter 20 are being moved to Chapter 23, and a new section is being added about athletic activities in the streets.

Shanklin asked if this is the only place a sidewalk is mentioned. Vincent said if the sidewalk is in the street right of way, this will apply, but this only deals with placing of athletic goals; an athletic goal can be put in a driveway as long as it is off of the right of way. Shanklin said he was talking about obstructing the sidewalk with other than athletic equipment, such as with trees. Vincent said there is another section that deals with cutting of limbs.

MOVED by Devine, SECOND by Hanna, to approve Ordinance 00-18, waive reading of the ordinance, and declaring an effective date of August 1, 2000.

The ordinance title was read by the Mayor as the item was introduced.

Ordinance 00-18

An ordinance relating to streets and sidewalks, repealing Section 20-106, Article 1, Chapter 20, Lawton City Code, 1995, and Section 20-107, Article 1, Chapter 20, Lawton City Code, 1995, and amending Chapter 23 relating to vehicles and traffic, creating and enacting Section 23-104, Article 1, Chapter 23, prohibiting the deposit of dangerous objects in the street; creating and enacting Section 23-105, Article 1, Chapter 23, prohibiting the obstruction of streets or sidewalks by crowd; and creating and enacting Section 23-106, Article 1, Chapter 23, of the Lawton City Code, 1995, prohibiting the placement of athletic devices or similar equipment in the street right-of-ways; providing for an effective date.

VOTE ON MOTION: AYE: Hanna, Devine, Shanklin, Moeller, Baxter, Smith. NAY: None. ABSTAIN: Haywood. MOTION CARRIED.

5. Consider adopting an ordinance amending Section 4-1-114, Article 1, and Section 4-2-245, Article 2, Chapter 4, Lawton City Code, 1995, relating to the location requirements of retail package stores, mixed beverage establishments and taverns; providing for severability; and declaring an emergency. Exhibits: Ordinance 00-19.

Vincent said in July 1999 the State Legislature placed into effect revisions to the location requirements for low point beer establishments and for mixed beverage establishments and retail package stores. The changes being recommended to the Code will bring it totally in line with State Statutes.

MOVED by Shanklin, SECOND by Smith, to pass Ordinance 00-19, waive reading of the ordinance, and declaring an emergency.

Devine asked if a business is in operation and a church decides to build right next to it, when the license comes due, does the business have to cease. Vincent said no, as long as there was continuous operation the business can continue forever.

The ordinance title was read by the Mayor as the item was introduced.

Ordinance 00-19

An ordinance amending Section 4-1-114, Article 1, and Section 4-2-245, Article 2, Chapter 4, Lawton City Code, 1995, relating to the location requirements of retail package stores, mixed beverage establishments and taverns, providing for severability, and declaring an emergency.

VOTE ON MOTION: AYE: Devine, Shanklin, Moeller, Haywood, Smith, Hanna. NAY: None. ABSTAIN: Baxter. MOTION CARRIED.

6. Consider adopting an ordinance amending Sections 10-101 and 10-113, Chapter 10, Lawton City Code, 1995, amending the general bidding requirements and limits for integral components and adding a provision relating to accepting bids on PVC pipe, and declaring an emergency. Exhibits: Ordinance 00-20.

MOVED by Devine, SECOND by Smith, to approve Ordinance 00-20, waive reading of the ordinance, and declaring an emergency.

The ordinance title was read by the Mayor as the item was introduced.

Ordinance 00-20

An ordinance relating to purchases and sales, amending Chapter 10, Lawton City Code, 1995, amending 10-1-101(C) relating to general bidding requirements and 10-1-113(F) relating to bid limits for integral components and adding a new subparagraph "F" providing for the ability to bid PVC pipe on an as needed basis, providing for severability, and declaring an emergency.

VOTE ON MOTION: AYE: Shanklin, Moeller, Haywood, Baxter, Smith, Hanna, Devine. NAY: None. MOTION CARRIED.

ADDENDUM BUSINESS ITEMS:

1. Consider appropriating funds from the 1999-2000 Council Contingency Fund for the purchase of digital video cameras, spare tapes and battery packs, and accessories, for the Community Oriented Policing program. Exhibits: Memorandum.

Hanna said a meeting was held in the Police Department with three representatives from the COP program, himself, G. Wayne Smith, and Stanley Haywood. He said the officers have been taking still photos of suspects or suspected illegal activity throughout the community; they would like to have digital video cameras to be able to tape these activities, keep them on file, and if need be, take them to court for hard evidence. Hanna said some existing video cameras are mounted in patrol cars but the package being requested can be either portable or mounted.

Smith said the three officers that work the COPs program all said you should see the look on the kids faces when the police show them pictures of themselves in some of the activities they are taking part in, they get real upset and paranoid and generally leave the area, so it is effective.

MOVED by Smith, SECOND by Hanna, to approve the item.

Devine asked if the video camera would be an invasion of privacy. Hanna said once they leave their private

dwelling, the video camera can be used on the streets and anywhere else.

Hanna said the officers asked for the Panasonic PVL600 Camcorder due to the longer battery life and sensor motion switches so it will shut itself off. Smith and Hanna agreed that was the intent of the motion.

VOTE ON MOTION: Shanklin, Moeller, Haywood, Baxter, Smith, Hanna, Devine. NAY: None. MOTION CARRIED.

2. Consider a resolution authorizing the installation of traffic control devices at the specified location (No Truck signs along SW Belmont Avenue at 6th and 11th). Exhibits: Resolution 00-68.

MOVED by Smith, SECOND by Haywood, for approval of Resolution 00-68 authorizing the installation of traffic control devices at the specified location.

Haywood asked that this be handled as an emergency.

VOTE ON MOTION: AYE: Moeller, Haywood, Baxter, Smith, Hanna, Devine, Shanklin. NAY: None. MOTION CARRIED.

(Title only) Resolution 00-68

A resolution authorizing the installation and/or removal of traffic control devices at certain designated locations within the City of Lawton, Oklahoma.

3. Consider an amendment to a contract between the City of Lawton and Jeanne A. Elix of 1704 NW Kinyon, Lawton, Oklahoma, allowing subordination of the City's mortgage against her property. Exhibits: Letter of Request. (Mortgage and Amendment/Subordination Agreement on file in City Clerk's Office)

Jim Phillips said this would allow Ms. Elix to change her floating rate mortgage to a fixed mortgage rate. Current department policy is that when the total owed against a property exceeds 75% of the value that staff would recommend denial of the request. Council has the ability to make an appropriate decision. Staff recommendation is to deny based on the fact that after this new mortgage, total encumbrance on the property will exceed 75% of the value.

Haywood said the mortgage rate was 13% and she has found a fixed interest rate of 9% which will lower her monthly payment to \$415.

MOVED by Haywood, SECOND by Shanklin, to approve the request to subordinate the lien.

Baxter asked if Ms. Elix had a chance to get a fixed interest rate when she purchased the property. Phillips said no, due to her financial situation there were only certain lenders who would allow her to qualify for a loan at that time; her financial situation has improved because she has had time to make steady payments and show a steady income. Mayor Powell said that is a good report. Baker said Council routinely approves requests such as this. Shanklin asked the reason for 75% and response was that number was used when it was a Council policy and it was transferred to the department policy.

VOTE ON MOTION: AYE: Haywood, Baxter, Smith, Hanna, Devine, Shanklin, Moeller. NAY: None. MOTION CARRIED.

4. Consider approving a Release of Mortgage and a Release of Lien on residential properties belonging to Mr. Walter Young located at 1813 NW Lake, Lawton, Oklahoma, and Mrs. Jacqueline Elaine Tart located at 2324 NW 30th Street, Lawton, Oklahoma, and authorize execution of the Release of Mortgage and Release of Lien. Exhibits: None. (Releases and accompanying documents on file in City Clerk's Office)

MOVED by Smith, SECOND by Haywood, for approval of the item. AYE: Baxter, Smith, Hanna, Devine, Shanklin, Moeller, Haywood. NAY: None. MOTION CARRIED.

ADDENDUM:

1. Discuss request from Mrs. Vera Boyd and Mr. Steven Boyd for an audit of Lawton Cablevision and take appropriate action. Exhibits: 6/19/00 Memorandum from City Manager; 6/13/00 Request from Mrs. Vera Boyd.

Vincent said a written request was received at the last Council meeting and the Mayor requested this item be placed on the agenda to determine if there should be a full audit of Lawton Cablevision. He said in the interim, he and Baker had been in touch with Mr. Drewry and he is providing a more complete detailed audit. Drewry received that from his auditor this afternoon by FAX and it will be submitted to the City when the hard copy is received in the mail with the original signature. Vincent said the Internal Auditor will be back from vacation tomorrow so there appeared to be no rush to be able to receive the FAX copy of the information, which may not be a good copy.



Mayor Powell said he requested this item because last week Deputy City Attorney Jensen, Gary Jackson and himself met with Mr. Boyd for over an hour in his office and discussed different things about this, and probably talked about the audit as much as anything. He said Council had heard from Mr. Boyd and his wife numerous times with different things about Cablevision and the audit. Mayor Powell said Councilman Devine had also been in meetings, not necessarily with Mr. and Mrs. Boyd but with City officials, and it was requested by Mr. Boyd that this be placed on the agenda and he did so. Mayor Powell asked if there was a legal opinion. Vincent said Section 8 of the old permit provides for a limited review; the new franchise agreement provides for a more complete audit but we have to wait until the end of the year before we can conduct an audit. Section 8 of the old permit provides we can go back to the beginning, which would be approximately ten years, and do audits of limited things such as subscriber revenue, advertising revenue and programming revenue, and that is the information that has been requested from Mr. Drewry that will be provided in the next couple of days.

Devine said he would try to do this for Mr. Boyd's benefit and that he would like to table this until the report is received and Boyd can look at it to his satisfaction.

MOVED by Devine, SECOND by Smith, to table this to the next Council meeting. AYE: Smith, Hanna, Devine, Moeller, Haywood, Baxter. NAY: Shanklin. MOTION CARRIED.

#### CONSENT AGENDA:

#### ITEM 7 WAS CONSIDERED SEPARATELY AS SHOWN BELOW.

8. Consider the following damage claims recommended for approval and consider passage of a resolution authorizing the City Attorney to file a friendly suit for the claim which is over \$400.00: Derrick R. Hopkins. Exhibits: Legal Opinion/Recommendation. (Resolution 00-69 on file in City Clerk's Office)

(Title only) Resolution 00-69

A resolution authorizing and directing the City Attorney to assist Derrick R. Hopkins in filing a friendly suit in the District Court of Comanche County, Oklahoma, against the City of Lawton; and authorizing the City Attorney to confess judgment therein in the amount of One Thousand Two Hundred Ninety Two Dollars and 74/100s (\$1,292.74).

9. Consider approving a grant agreement for Airport Improvement Project 3-40-0051-15. Exhibits: Projects and Justifications. Action: Approval of item.

10. Consider approval of agreement between the City of Lawton and Scott Aviation, a Division of Scott Technologies, Inc. Exhibits: In-House Repair Center Agreement. Action: Approval of item.

11. Consider approving agreements for refuse disposal with the following entities, and authorize the Mayor and City Clerk to execute the agreements: City of Cache, Town of Chattanooga, Town of Geronimo, Town of Indianola, Multiple Community Services Authority, and Town of Temple. Exhibits: None. (Agreements on file in City Clerk's Office) Action: Approval of item.

12. Consider approving agreements for euthanization services with the City of Cache and the Town of Geronimo, and authorize the Mayor and City Clerk to execute the agreements. Exhibits: None. (Agreements on file in City Clerk's Office) Action: Approval of item.

13. Consider approving annual contract renewals between the City of Lawton and the following: County Commissioners (re: Juvenile Detention Center); J. Roy Dunning (re: children's shelter); Roadback (re: Detoxification Center); Crimestoppers, Inc. of Lawton (re: allowing the proceeds from sale of personal property to be transferred to Crimestoppers/Drug Busters); The Department of Corrections (re: allowing payment from DOC to the City of Lawton for temporary housing of state inmates in the city jail); The Lawton Board of Education (re: office space rental); and AST, Inc. (re: rental of off-duty police units for filming police training videos). Exhibits: None. (Contracts on file in City Clerk's Office) Action: Approval of item.

14. Consider approving the new Agreement for Limited Services with the Museum of the Great Plains Authority. Exhibits: Agreement for Limited Services. Action: Approval of item.

15. Consider a proposal from the Center for Creative Living Corporation for services to senior citizens for FY00-01, and enter into an agreement for services. Exhibits: Letter from Center for Creative Living; Proposed Agreement Support Documentation on file in City Clerk's Office. Action: Approval of item.

16. Consider entering into an agreement with the Board of Comanche County Commissioners for its use of the Pleasant Valley Senior Center for a Senior Citizens' Nutrition Site. Exhibits: Proposed Lease Agreement. Action: Approval of item.

17. Consider entering into an agreement with the Board of Comanche County Commissioners for its use of the City's Patterson and H.C. King Community Centers for Senior Citizens' Nutrition Sites. Exhibits: Proposed Lease Agreement. Action: Approval of item.

18. Consider approving an independent contractor agreement for the instructional services of Judo instructor for the benefit of the community and citizens of Lawton. Exhibits: Independent Judo Instructor Agreement with Mark Fogle, M.D. Action: Approval of item.

19. Consider approval of an agreement with the City and KLAU Radio for an exchange of services. Exhibits: Letter of Agreement. Action: Approval of item.

20. Consider rejecting bid proposals for the Verna Cook & Harkey Park Improvements Project 2000-9. Exhibits: Engineer's estimate from GBA Architects. Action: Reject bid proposal received and authorize staff to readvertise.

ITEM 21 WAS CONSIDERED SEPARATELY AS SHOWN BELOW.

22. Consider accepting Public Works/Engineering Administration Building Project 99-5 as constructed by Wicker Construction Company, Inc. and placing the maintenance bond into effect. Exhibits: Location Map. Action: Approval of item.

23. Consider rejecting bid proposals for the Animal Welfare Building Improvements Project 2000-15. Exhibits: Location Map. Action: Reject bids and authorize staff to readvertise.

24. Consider approving plans and specifications for the LPD Storage Building Project 2000-25 and authorizing staff to advertise for bids. Exhibits: Location Map. Action: Approval of item.

ITEM 25 WAS CONSIDERED SEPARATELY AS SHOWN BELOW.

26. Consider approving the following contract extension: A. Root Saws with Midwestern Equipment Company. Exhibits: None. Action: Approval of item.

27. Consider awarding contract for Window Cleaning. Exhibits: Department recommendation; Bid abstract. Action: Award contract to A-1 Window Cleaners; D & L Enterprises.

ITEM 28 WAS CONSIDERED SEPARATELY AS SHOWN BELOW.

29. Consider awarding contract for Night Vision System. Exhibits: Department recommendation; Bid abstract. Action: Award contract to GT Distributors, Inc.

30. Consider awarding contract for HVAC Services. Exhibits: Department recommendation; Bid abstract. Action: Award contract to Carrier Corporation.

31. Consider approval of appointments to boards and commissions. Exhibits: Memorandum. McMahon Auditorium Authority: Bob Jordan, Term: 6/27/00 to 6/30/03; Mary Jo Smith, Term: 6/27/00 to 6/30/03; Vy Brittingham, Term: 6/27/00 to 6/30/03; David Fennema, Term: 6/30/00 to 6/30/03; Lawton Economic Development Authority: Ron Nance, Term: 6/27/00 to 6/27/07; David Denham, Term: 6/27/00 to 12/15/04; Citizens' Advisory Committee on the CIP: Larry Smith, Ward 8, Term: 6/27/00 to 6/9/01; Whittie Rainwater, Ward 1, Term: 6/27/00 to 6/27/03.

32. Consider approval of payroll for the period of June 12 through 25, 2000. Exhibits: None.

Separate consideration was requested for Items 7, 21, 25 and 28.

MOVED by Shanklin, SECOND by Smith, for approval of the Consent Agenda items as recommended with the exception of Items 7, 21, 25 and 28. AYE: Hanna, Devine, Shanklin, Moeller, Haywood, Baxter, Smith. NAY: None. MOTION CARRIED

7. Consider the following damage claims recommended for denial: Larry C. and April S. Hanks; and Michael J. Corrales. Exhibits: Legal Opinions/Recommendations.

Baxter said he would abstain from consideration of the Corrales claim.

MOVED by Smith, SECOND by Moeller, for denial of the claims as recommended. AYE: Devine, Shanklin, Moeller, Haywood, Smith, Hanna. NAY: None. ABSTAIN: Baxter. MOTION CARRIED.

25. Consider awarding a construction contract to Winters Contracting for the Lake Ellsworth Dam/Spillway Repair Project 2000-21. Exhibits: Location Map; Bid Tab.

Shanklin asked if this is only repair work and if there is any danger at all with the dam. Jerry Ihler said he did not believe there was a danger and this is a maintenance item to replace some seals and repair small areas of concrete spawling. Shanklin asked if the lake levels were approved by the Water Resources Board. Ihler said no, a meeting is scheduled tomorrow at 9:30 with OWRB to discuss the report prepared by CH2M Hill on the dam analysis and different alternatives for gate operation. Shanklin asked if we would mention that the first report got 68% instead of 75%. Ihler said the information will be discussed. Shanklin said it is a lot of water to let go down the creek when 75% is an arbitrary figure, and that he would like to see us win that and keep a foot of water in Lake Lawtonka. Ihler said the Water Resources Board would have to waive their 75% requirement. Shanklin said we should ask for that. Ihler said we can bring that up; 75% is the number OWRB is comfortable with and as an engineer, it is more conservative than 68%. Shanklin said it is a lot of water down the river for something that could happen tomorrow or 5,000 years from now. Ihler said it all depends on the weather.

MOVED by Shanklin, SECOND by Smith, to award a contract to Winters Contracting in the amount of \$45,700.00 from 1995 CIP Funds. AYE: Shanklin, Moeller, Haywood, Baxter, Smith, Hanna, Devine. NAY: None. MOTION CARRIED.

21. Consider awarding a contract for professional architectural services for the Eastside Community Park Project 2000-19. Exhibits: Location Map. (Contract on file in City Clerk's Office)

Smith said he would abstain from this item.

Baxter asked the reason for recommending the bid that is in the middle and not the lowest bid. Ihler said C.H. Guernsey presented a more detailed proposal and gave a greater level of information showing they were more interested, their proposal was better, and based on that, the committee recommended C.H. Guernsey in that the \$8,000 difference between the proposals showed it would be money well spent with regard to their qualifications. Ihler said the firm also had personnel that are very familiar with Lawton and had lived here for several years, and seemed to have a greater understanding of the project. Ihler said professional engineering services is not a bid process and it does not necessarily go to the lowest proposal.

Hanna said he sat on the committee and two of the proposals were not well done, but the Guernsey firm came down here, took pictures and gave some facts and figures, and it was the best overall proposal. Baxter asked if it was \$8,000 better and Hanna said yes, we will get more for our money.

MOVED by Baxter, SECOND by Haywood, to approve the item to award the contract to C.H. Guernsey & Company in the amount of \$98,095.00 from CIP 2000 Funds. AYE: Shanklin, Moeller, Haywood, Baxter, Hanna, Devine. NAY: None. ABSTAIN: Smith. MOTION CARRIED.

28. Consider awarding contract for a Diesel Engine. Exhibits: Department recommendation; Bid abstract.

Baxter said only one bid was received and he did not think it was fair use of the taxpayers' dollars. He suggested it be sent out again and see if more than one bid can be received. Vincent said the ordinance approved earlier tonight allows for spot bids for repair items for motive machinery, so three telephone quotes can be received as opposed to advertising for formal bids. Baxter said he had no problem with that but did not want to accept this bid.

Smith said the others who did not bid on this know exactly what Stewart & Stevenson bid, and if they are the only one who bid, and staff is satisfied it is a reasonable bid, then Council should approve it. Baxter said he was not satisfied it is a reasonable bid.

MOVED by Smith, SECOND by Haywood, to approve Item 28, to award the contract to Stewart & Stevenson.

SUBSTITUTE MOTION by Baxter, to decline Item 28, reject the bid. There was no second to the Substitute Motion.

VOTE ON ORIGINAL MOTION: AYE: Moeller, Haywood, Smith, Hanna, Devine, Shanklin. NAY: Baxter. MOTION CARRIED.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER.

Haywood thanked Parks & Recreation for the work they have done in the past, and also this year at Juneteenth. He said it was rained on again but close to 2,000 people attended.

Shanklin said the DOC did an excellent job cleaning alleys and he hoped they would come back often. Mayor Powell said we will have before and after pictures and he had some on his desk.

Devine said he felt the presentation on the skating proposals was exceptionally good between Parks & Recreation and LTC Ewing and receiving recognition in a national magazine. He said a few different microphones were being tested tonight and they appeared to work well.

Smith thanked Haywood for participating in a block party over the weekend. He thanked Parks & Recreation for making the park ready for the first annual Northside block party. Three weeks' notice was given to plan it and upwards of 300 people attended, which was a great turn out.

Hanna wished everyone a very safe and happy Fourth of July. Baxter agreed and asked that parents keep an eye on their children with the firecrackers.

LTC Puckett expressed appreciation for the opportunity to sit in this job. Mayor Powell and Council members welcomed LTC Puckett.

#### BUSINESS ITEMS:

33. Pursuant to Section 307B.2, Title 25, Oklahoma Statutes, consider convening in executive session to discuss negotiations for a Collective Bargaining Agreement for FY 2000-2001 between the Fire Union, IAFF, Local 1882, and the City of Lawton, and take appropriate action in open session. Exhibits: None.

34. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss City of Lawton's potential litigation against the Construction Contractor and/or Design Engineer for the retaining wall failure at the northwest corner of the West Branch Wolf Creek Tributary Bridge on NW 67th Street north of Willow Creek Drive, and if necessary, take appropriate action in open session. Exhibits: None.

35. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the case styled C. Steve Wilson v. The City of Lawton, a municipal corporation, and Gilbert Schumpert, Case No. CIV-99-2104, in the United States District Court, Western District of Oklahoma, and if necessary, take appropriate action in open session. Exhibits: None.

36. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending damage claim of Stephanie Pollard and Sage Pollard against the City of Lawton, and if necessary, take appropriate action in open session. Exhibits: None.

37. Pursuant to Section 307B.1, Title 25, Oklahoma Statutes, consider convening in executive session to evaluate the performance of the City Manager, City Clerk, City Attorney, and Municipal Judge, and, take action as necessary in open session. Exhibits: None.

MOVED by Shanklin, SECOND by Haywood, to convene in executive session regarding the items so listed on the agenda and recommended by legal staff. AYE: Haywood, Baxter, Smith, Hanna, Devine, Shanklin, Moeller. NAY: None. MOTION CARRIED.

The Mayor and Council convened in executive session at approximately 7:45 p.m. and reconvened in regular, open session at 8:45 p.m. with roll call reflecting all members present except Purcell.

Vincent reported on Item 33 we met in executive session pursuant to Section 307B.2, Title 25, Oklahoma Statutes, to discuss the on-going negotiations for a Collective Bargaining Agreement with the Fire Union. He recommended two motions; the first motion would be to reject the counter offer that was presented by the Fire Union today and authorize continued negotiations.

MOVED by Devine, SECOND by Hanna, to reject the counter offer that was presented by the Fire Union today and authorize continued negotiations. AYE: Smith, Hanna, Devine, Shanklin, Moeller, Haywood, Baxter. NAY: None. MOTION CARRIED.

Vincent said the second motion would be to approve a resolution to extend the 1999-2000 collective bargaining agreement and extend the EMT incentive pay until a successor agreement is approved.

MOVED by Devine, SECOND by Baxter, to approve a resolution to extend the 1999-2000 collective bargaining agreement and extend the EMT incentive pay until a successor agreement is approved. AYE: Hanna, Devine, Shanklin, Moeller, Haywood, Baxter, Smith. NAY: None. MOTION CARRIED.

#### (Title only) Resolution 00-70

A resolution extending the provisions of the FY 1999-2000 Employment Agreement between the City of Lawton and the International Association of Firefighters, Local 1882, beginning July 1, 2000, until a successor agreement is in place, for the administration of the day to day personnel issues, pay and benefits of the full time officers of the City of Lawton Fire Department excluding the Fire Chief, probationary firefighters and civilian employees.

Vincent reported on Item 34, pursuant to Section 307B.4, Title 25, Oklahoma Statutes, we convened in executive session to discuss the City of Lawton's potential litigation against the Construction Contractor and/or the Design Engineer for the retaining wall failure at the northwest corner of the West Branch Wolf Creek Tributary Bridge on NW 67th Street north of Willow Creek Drive. He recommended a motion directing the City Attorney to make demand for repairs and/or damages on the contractor and design engineer.

MOVED by Smith, SECOND by Hanna, to direct the City Attorney to make demand for repairs and/or damages on the contractor and design engineer. AYE: Devine, Shanklin, Moeller, Haywood, Baxter, Smith, Hanna. NAY: None. MOTION CARRIED.

Mayor Powell asked that Item 35 be stricken.

Vincent reported on Item 36, pursuant to Section 307B.4, Title 25, Oklahoma Statutes, we convened in executive session to discuss the pending damage claim of Stephanie Pollard and Sage Pollard against the City of Lawton. No action is required at this time.

Mayor Powell reported no action or discussion was required on Item 37.

Mayor Powell commended the Council on an excellent meeting and said it was enjoyable and he appreciated it. He wished everyone a safe and happy 4th of July holiday.

There being no further business to consider, the meeting adjourned at 8:55 p.m. upon motion, second and roll call vote.